THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.24803 of 2005

Dt.25.11.2005

Between:

V.Venkata Lakshhumma … Petitioner

And

The Joint Collector, Kadapa, Kadapa District

And 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner questions the impugned proceedings dated 29.3.2005 of the 2nd respondent wherein the Fair Price Shop authorization of the petitioner was cancelled which has been confirmed in appeal by the first respondent vide impugned proceedings dated 13.10.2005 as illegal and contrary to the provisions of A.P.Public Distribution System Control Order 2001 (hereinafter referred to as 'Control Order').

It is stated that based on the report of the Mandal Revenue Officer, Jammalamadugu, the authorization of the petitioner was initially suspended by the Revenue Divisional Officer, Jammalamadugu by

order dated 16.12.2004. Aggrieved by the same, the petitioner filed W.P.No.24701 of 2004 and this Court by order dated 29.12.2004 directed the respondents to maintain status quo. Thereafter, the petitioner filed an appeal against the order of suspension dated 16.12.2004 before the first respondent on 10.1.2005 along with stay petition and the first respondent did not pass any orders on the stay petition. Therefore, the petitioner filed W.P.No.2538 of 2005, which was disposed of on 15.2.2005 granting stay of operation of the order of suspension dated 16.12.2004 till the first respondent disposes of the appeal pending before him. Meanwhile, the authorization of the petitioner itself was cancelled by order dated 29.3.2005 by the 2nd respondent. Aggrieved by the same, the petitioner filed W.P.No.9743 of 2005 which was disposed of on 27.4.2005 directing the Joint Collector, Kadapa to consider and dispose of the appeal filed by the petitioner against the said cancellation order dated 29.3.2005 passed by the 2nd respondent within a period of six weeks from the date of receipt of a copy of the said order and the petitioner was permitted to continue as Fair Price Shop dealer for Ward Nos.5, 6 and 10 of Moragudi Village of Jammalamadugu Revenue Mandal in Kadapa District as per Section 3(4) of annexure of the Control Order till the disposal of the appeal. Thereafter, the appellate authority dismissed the appeal by the impugned proceedings dated 13.10.2005. Against which, this writ petition is filed.

The learned counsel appearing for the petitioner submits that the Revenue Divisional Officer has not conducted any enquiry after issuing the show cause notice and based on the earlier report dated 10.12.2004 and the explanation of the petitioner, which was submitted on 6.3.2005, was only considered without making any further enquiry and therefore the said order of the Revenue Divisional Officer is illegal and arbitrary and against the principles of natural justice.

Admittedly, against the impugned order of the Joint Collector/appellate authority, revision lies to the Collector under

Clause 21 of the Control Order. Therefore I am not inclined to express any opinion on the merits of the case. Having regard to the facts and circumstances of the case, the petitioner is directed to file a revision before the District Collector within one week from the date of receipt of a copy of this order. If any such revision is filed by the petitioner within the said period, there shall be stay of operation of the order of the first respondent pending disposal of the revision and the revisional authority may consider and dispose of the revision after giving reasonable opportunity to the petitioner. If no revision is filed by the petitioner within the said period of one week from the date of receipt of a copy of this order, it is made clear that the said stay will not operate.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

25.11.2005

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